

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOE FASANO, *et al.*, :
Plaintiffs, : 16-cv-8759 (KPF)
:
-v.- :
:
GUOQING LI, *et al.*, :
Defendants. :
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**NOTICE OF DEFENDANTS' MOTION TO DISMISS THE
AMENDED COMPLAINT AND TO STAY ARBITRATION**

PLEASE TAKE NOTICE that, pursuant to the Order of this Court dated October 5, 2022 (Doc. 113), upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint and To Stay Arbitration, the accompanying Declaration of James W. Brown dated October 24, 2022, and the exhibits annexed thereto, the previously-filed Second and Third Declarations of Robin Hollington, Q.C. (Docs. 76 & 97), and the exhibits annexed thereto, and upon all prior papers and proceedings had herein, Defendants E-Commerce China Dangdang, Inc., Dangdang Holding Company Limited, Kewen Holding Company Limited, Science & Culture International Limited, First Profit Management Limited, Guoqing Li, Peggy Yu Yu, Danqian Yao, Lijun Chen, and Min Kan (collectively, "Defendants"), through the undersigned counsel, hereby move this Court, before the Honorable Katherine Polk Failla, U.S.D.J., on a date and time to be set by the Court, for Order(s): (i) pursuant to Fed. RR. Civ. P. 12(b)(6) and 9(b) dismissing the Amended Complaint (Doc. 79) with prejudice for failure to state a claim upon which relief can be granted; and (ii) pursuant to 9 U.S.C. §§ 2-4, and CPLR §§ 7502(b) & 7503(b), staying the arbitration which Plaintiffs have sought to commence before the American Arbitration Association captioned *Fasano v. Li*, No. 01-22-0003-8285.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument to the extent the within motion is opposed in any way.

Dated: New York, New York
October 24, 2022

/s/ Scott D. Musoff

Scott D. Musoff
James W. Brown
**SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP**
One Manhattan West
New York, New York 10001
Telephone: (212) 735-3000
Facsimile: (212) 735-2000
E-Mail: scott.musoff@skadden.com
james.brown@skadden.com

Attorneys for Defendants

*E-Commerce China Dangdang, Inc.;
Dangdang Holding Company Limited;
Kewen Holding Company Limited;
Science & Culture International Limited;
First Profit Management Limited;
Guoqing Li; Peggy Yu Yu; Danqian Yao;
Lijun Chen; and Min Kan.*